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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,340	10/08/2003	Hideki Nagata	024060-102	5452

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BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
PERKEY, WILLIAM B	
ART UNIT	**PAPER NUMBER**
2851	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H·A

Office Action Summary	Application N .	Applicant(s)	
	10/680,340	NAGATA ET AL.	
	Examiner	Art Unit	
	William B. Perkey	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-17 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 08 October 2003 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 08/659,690.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1,2,4-10,12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (U.S. Patent No. 4,742,369) in view of Yomogizawa et al. (U.S. Patent No. 5,172,151).

Ishii et al., in the first embodiment of Figs. 1-5, shows a camera by reference numeral 1; a first photo-taking portion that accommodates elements 13-20; a taking lens 3; a second photo-taking portion that accommodates elements 24-27; an image sensing device 25; a signal processor 33; a display image generated by display 14; and a mirror 16. Thus, Ishii et al. fully meets claims 1,2,5,9,10,13, except for the signal processor and image sensor outputting a signal of continuous frames before picture taking and switches to a single frame display of the recorded image upon image recording. The concurrent performance of both photo-taking operations (claims 4 and 12, is disclosed by Ishii et al. in the fourth embodiment of Figs. 9-12 and described in column 8 lines 47-55.

Ishii et al. in the fourth embodiment of Figs. 9-12, discloses a first CCD as element 65; a taking lens 3; a second CCD 25; a signal processor 33; a display 14; and a mirror 64. Thus, Ishii et al. fully meets claims 6-8, except for an image signal of continuous frames to generate a display of a moving picture preview and the display of the recorded image after image recording.

Ishii et al., in the first embodiment of Figs. 1-5, further discloses an image observation portion 11 and a mirror 16 as well as the first photo-taking portion accommodating the elements 13-20 and the second photo-taking portion accommodating the elements 24-27. Thus, Ishii et al. fully meets claims 14-16, except for the aforementioned signal of continuous frames and the display of continuous images before image recording and a display of the recorded image after the recording.

Ishii et al. in Fig. 6 the second embodiment discloses a mirror 41 that meets claim 17, except for the display of continuous and still images.

Yomogizawa et al. discloses a hybrid camera having both film and electronic recording of the object. Column 4 lines 40-47 describes a moving image display mode for the electronic viewfinder and Fig. 3 discloses a processing circuit that permits display of the continuous image frames in the moving image mode or stored images from the memory 33. Yomogizawa et al. also discloses a still image mode of image recording. In this mode, the image is continuously renewed, until the shutter release button is depressed to the second stage. The display is then shut off, the image is recorded on the film and at the same time the image sensor image at that time is written into the memory. After the shutter is closed, a read out pulse is sent to the memory sending the recorded still image to the display for a predetermined time period. See the paragraph bridging columns 1 and 2, column 8 lines 18-25, column 11 lines 42-61, column 12 lines 42-47, and step 14 in Fig. 7.

It would have been obvious to one of ordinary skill in the art to modify any one of the embodiments of Ishii et al. with a processing circuit like that of Yomogizawa et al. that enables the LCD display device to display either continuous frames of images or the stored images in

order to obtain the desirable feature of previewing the scene via the LCD display device 14 without having to look into the optical viewfinder and to provide the apparatus necessary to perform the functions of continuously displaying the images produced from the image sensor before the shutter release button reaches the second stage and then to display the still recorded image on the display for a predetermined time period in order to obtain the desirable feature of being able to compose the scene for photography by looking at the image display and then to see the still image that is recorded after the exposure.

3. Claims 3 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1 and 9 above, and further in view of acknowledged prior art.

Claims 3 and 11 are fully met by the references, as explained above, except for a white balance adjuster. Official Notice was taken in a previous Office action that white balance adjusters for image signal processors were well known at the time of applicant's invention. Applicants have not challenged this in the response filed July 28, 2004. Since there has been no timely challenge to the subject matter that was taken Official Notice of, that subject matter is now considered as acknowledged prior art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide the processor circuitry for the image sensing device of Ishii et al. with a white balance adjuster in order to obtain better quality images.

Response to Arguments

4. Applicant's arguments filed November 17, 2004 have been fully considered but they are not persuasive. Applicant asserts that neither reference of the rejection displays continuous frames before picture taking and then displays the recorded still image after the image is

recorded. However, the passages of Yomogizawa et al. mentioned in the rejection above, discloses the very feature that applicant has argued for patentability.

Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey whose telephone number is (571) 272-2126. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William B. Perkey
Primary Examiner
Art Unit 2851

WBP:wbp